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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.

Plaintiffs,

v.

N.J. KANN PAINTING, INC., a California
corporation,

Defendant.

Case No.: C12-5542 CW

**PLAINTIFFS' REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE; and
[PROPOSED] ORDER THEREON**

Date: Wednesday, June 5, 2013

Time: 2:00 p.m.

Ctrm: 2, 4th Floor

1301 Clay Street

Oakland, CA

Judge: The Honorable Claudia Wilken

Plaintiffs respectfully request that the Case Management Conference scheduled for June 5, 2013, at 2:00 p.m., be continued for approximately sixty (60) days, as follows:

1. As the Court's records will reflect, this action was filed on October 29, 2012 to compel Defendant to comply with the terms of its Collective Bargaining Agreement. Service on Defendant was completed on October 30, 2012. A Proof of Service of Summons was filed with the Court on November 6, 2012. [*Docket No. 12.*]

2. Plaintiffs requested a continuance of the Case Management Conference on March 26, 2013 because Plaintiffs were contacted by Defendant's counsel, requesting an informal resolution. Plaintiffs extended Defendant's time to file an Answer, to provide Plaintiffs time to work with the fund administrator to confirm the total amount owed by Defendant, some of which went back to 2010. An order granting Plaintiffs' request for continuance was filed on March 28,

2013. [Docket No. 18.]

3. Plaintiffs have now confirmed total amounts owed by Defendant and have drafted a proposed Stipulation, and forwarded it to Defendant's counsel for review and execution.

4. Therefore, Plaintiffs respectfully request that the Case Management Conference be continued for approximately sixty (60) days in order to allow both parties sufficient time to confirm the terms of the settlement and enter judgment.

5. There are no issues that need to be addressed by this Court at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case Management Conference.

6. Plaintiffs recognize that a case management conference statement is due seven days in advance of the case management conference date and that the statement must include all elements requested in the "Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

Dated: May 29, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

By: _____/S/
Muriel B. Kaplan
Attorneys for Plaintiffs

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to 8/7/2013, and all related deadlines are extended accordingly.

Date: 5/30/2013



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT